

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JEFFREY LAKE DEVELOPMENT,)	4:11CV3112
INCORPORATED, a Nebraska)	
non-profit corporation, and MIDWAY)	
WILDLIFE & RECREATION CLUB,)	MEMORANDUM
a Nebraska non-profit corporation,)	AND ORDER
)	
Plaintiffs,)	
)	
v.)	
)	
CENTRAL NEBRASKA PUBLIC)	
POWER & IRRIGATION DISTRICT,)	
a Nebraska public corporation,)	
)	
Defendant.)	
)	

This matter is before the court on the findings and recommendation filed by Magistrate Judge Cheryl R. Zwart on November 23, 2011 (filing [23](#)). Judge Zwart recommends (1) that the plaintiff's motion to remand (filing [12](#)) be granted, and the case remanded to the District Court of Lincoln County, Nebraska, and (2) that the plaintiff's request for attorneys' fees be denied. The defendant has filed a statement of objections to the recommendation that the case be remanded (filing [26](#)), while the plaintiffs have filed a statement of objections to the recommendation that their request for attorney fees be denied (filing [24](#)). The matter is now ripe for decision under [28 U.S.C. § 636\(b\)\(1\)](#).

I find and conclude after de novo review, and after giving careful consideration to the parties' written arguments, that Judge Zwart has correctly found the facts and applied the law. Her findings and recommendation therefore will be adopted, and the defendant's motions will be denied.

IT IS ORDERED:

1. The magistrate judge's findings and recommendation (filing [23](#)) are adopted.
2. The defendant's statement of objections (filing [26](#)) is denied.
3. The plaintiffs' statement of objections (filing [24](#)) is denied.
4. The plaintiffs' motion to remand (filing [12](#)) is granted, and the case is remanded to the District Court of Lincoln County, Nebraska, pursuant to [28 U.S.C. § 1447\(c\)](#), for lack of subject matter jurisdiction.
5. The plaintiffs' request for attorney fees is denied.
6. The clerk of the court shall mail a certified copy of this order to the District Court of Lincoln County, Nebraska, and may take any other action necessary to effectuate the remand.
7. Final judgment will be entered by separate document.

February 1, 2012.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge